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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARIYAM AKMAL,

11 Plaintiff,

12 v.

13 CITY OF KENT, WASHINGTON, et
14 al.,

15 Defendants.

CASE NO. C13-0379JLR

ORDER

16 Before the court are Plaintiff Mariyam Akmal's motion to dismiss (Dkt. # 32),
17 motion for leave to file & serve her first amended complaint on certain defendants (Dkt.
18 # 28), praecipe for entry of default (Dkt. # 26), and affidavit regarding entry of default
19 (Dkt. # 30). The court considers each of these filings in turn.

20 First, the court GRANTS Ms. Akmal's motion to voluntarily dismiss Deputy Paul
21 Aio and Deputy David McKenzie from these proceedings (Dkt. # 32). Ms. Akmal is
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1 entitled to voluntarily dismiss defendants from the proceedings under Federal Rule of
2 Civil Procedure 41, and the court can discern no reason not to allow dismissal here.

3 Second, the court DENIES AS MOOT Ms. Akmal's motion to serve a copy of her
4 first amended complaint on Mr. Aio and Mr. McKenzie (Dkt. # 28). These defendants
5 are now dismissed from this action, so this relief is no longer necessary or warranted.

6 Last, with respect to Ms. Akmal's default filings, the court finds that entry of
7 default is not appropriate at this time. Entry of default is governed by Federal Rule of
8 Civil Procedure 55(a). Rule 55(a) requires the clerk to enter default "[w]hen a party
9 against whom a judgment for affirmative relief is sought has failed to plead or otherwise
10 defend." Fed. R. Civ. P. 55(a). In order to obtain an entry of default, a party must
11 support its motion by affidavit "show[ing] that the defaulting party was served in a
12 manner authorized by Fed. R. Civ. P. 4." Local Rules W.D. Wash. LCR 55(a).
13 Additionally, if a defaulting party has already entered an appearance, the moving party
14 must provide the defaulting party written notice of its intent to move for entry of default
15 at least 14 days prior to filing its motion. *Id.*

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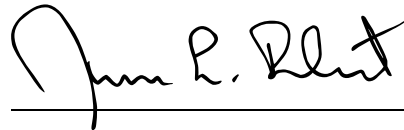
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1 Ms. Akmal has not complied with Local Rule LCR 55(a). She has not filed a
2 proper motion for entry of default, only a preacipe and an affidavit requesting default.
3 (See Dkt. ## 28, 32). More importantly, she has not provided 14 days written notice to
4 Defendants prior to requesting default even though Defendants have appeared in this
5 action (*see* Not. of Appearance (Dkt. # 19)). Accordingly, her request for entry of default
6 is DENIED.

7 Dated this 2nd day of October, 2013.

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11 JAMES L. ROBART
12 United States District Judge
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